

Application No. 10/826,084
Amendment dated February 23, 2007
Reply to Office Action of October 24, 2007

Amendment to the Drawing(s)

Figures 8 and 10 have been replaced. Replacement sheets of the drawings are attached.

REMARKS

Claims 1-17 are pending. Claims 12 and 15 are cancelled, and claims 18-22 are added herein. Accordingly, claims 1-11, 13, 14, and 16-22 are at issue.

With respect to the drawings, the sheets including FIGS. 8 and 10 are submitted as replacement sheets herein with FIG. 8 being corrected as shown in the submission with the prior Amendment in the subject application, and FIG. 10 further amended to increase the size of the retainer so that it is clear that it is large enough to hold the entire airbag. Further, the brief description for FIG. 10 is amended to state that it is a schematic view. Accordingly, it is believed the objections to the drawings are obviated.

Claim 8 stands objected to under 35 USC §112, second paragraph, as indefinite. Claim 8 is amended herein to address the indefiniteness noted in the Action.

Claims 1-17 stand provisionally rejected under the judicially created doctrine of statutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/826,014, claims 1-22 of co-pending Application No. 10/813,523, and claims 1-20 of co-pending Application No. 10/800,263. The previously filed Terminal Disclaimers are corrected as suggested in the Action so that it is believed the obviousness-type double patenting rejections should now be obviated.

Claims 4, 14 and 16 are free of substantive rejections and are rewritten herein to include the limitations of their base claim, and any intervening claims such that claims 4, 14 and 16 are now believed to be in condition for allowance.

Claims 1-3, 5, 6, 8-13, 15, and 17 stand rejected under 35 USC §102(e) as anticipated by U.S. Patent No. 6,846,009 to Kuroe, et al. Claim 7 stands rejected under 35 USC §103(a) as unpatentable over Kuroe, et al. in view of U.S. Patent No. 6,099,028 to Seifert.

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 1 is directed to an airbag device for a motorbike including an airbag. As amended, claim 1 calls for a holder having an interior space with a portion of the airbag that is adapted and configured for being mounted to the motorbike outside the interior space of the holder. An intermediate portion of the airbag extends outside the interior space of the holder and between the holder and the airbag portion configured for being mounted to the motorbike so that the intermediate portion is exposed along the motorbike. None of the relied upon art discloses or suggests the intermediate portion of the airbag called for in amended claim 1.

More particularly, Kuroe, et al. teach two different embodiments of airbag devices including one shown in FIG. 3 with the entire airbag mounted to the steering handle 18 to extend therealong with cover 22 extending thereabout. The second embodiment is an airbag module 120 stored within the pipe stem 116, as shown in FIG. 7. In the Action with respect to the first embodiment of Kuroe, et al., it is asserted that the rivets 23 correspond to the holder of claim 1. However, as is clear the rivets lack an interior space, as required in amended claim 1. With respect to the second embodiment, it is asserted that mounting device 123 corresponds to the holder of claim 1. However, in both the first and second embodiments, Kuroe, et al. fail to disclose or suggest the recited intermediate portion of the airbag that extends between the holder and the airbag portion configured for being mounted to the motorbike so that the intermediate portion is exposed along the motorbike. No such exposed portion of the airbag is taught by the Kuroe, et al. in either of the first or second embodiments. In the first embodiment, the entire airbag is covered by the handle cover 22. In the second embodiment, the entire airbag is contained in the airbag housing 121 and the cylindrical mounting member 124 that interconnects the housing 121 to the mouthpiece 125 that, in turn, attaches the airbag 122 to the

inflator 123 which are all disposed in the pipe stem 116, as described at column 5, line 50 to column 6, line 15 of Kuroe, et al. Thus, there is no portion of the airbag 122 that is exposed outside of the pipe stem 116 and airbag module 120 therein. Accordingly, it is believed that claim 1, and claims 2, 3, 5-10, 18 and 19 which depend cognately therefrom, are allowable over the relied upon art.

Claim 11 is directed to a motorbike including an airbag device. Amended claim 11 calls for a body including a handlebar, an airbag, and a retainer having an interior space for storing at least a first portion of the airbag therein. Claim 11, as amended, further calls for a second portion of the airbag disposed outside the retainer interior space that is mountable to the handlebar. None of the relied upon art discloses or suggests an airbag having a first portion stored in an interior space of a retainer and a second portion outside the retainer interior space mountable to a handlebar, as called for in amended claim 11.

More particularly, the first embodiment of Kuroe, et al. lacks the recited first portion of the airbag that is stored in the interior space of the retainer. Instead, in the first embodiment, the entire airbag 21 is mounted to the handlebar to extend therealong. On the other hand, with respect to the second embodiment, Kuroe, et al. fail to teach the recited second portion of the airbag that is disposed outside the retainer interior space and is mountable to the handlebar. Instead, in this embodiment, Kuroe, et al. teach that the entire airbag 122 is contained in the airbag module 120 in the pipe stem 116. Thus, in this embodiment there is no airbag portion that is disposed outside an interior space of a corresponding retainer and which is mountable to the handlebar of the motorbike body. Accordingly, it is believed that claim 11, and claims 13, 17, 20-22 which depend cognately therefrom, are allowable over the relied upon art.


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Based on the foregoing, reconsideration and allowance of claims 1-11, 13, 14, 16 and 17, and consideration and allowance of claims 18-22, are respectfully requested.

Respectfully submitted,

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Dated: February 23, 2007

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